

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15108 of 2014

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1. Kaushal Kishore Bhagat son of Late Singheshwar Bhagat, resident of Noniapatti, Naugachhia, Ward No. 20, P.O. and P.S.- Naugachhia, District- Bhagalpur

.... Petitioner/s

Versus

1. Sajani Devi wife of Suresh Rishideo, Daughter of Late Bhagwat Rishideo, resident of Noniapatti, (Mushahar Patti) Naugachhia, P.O. and P.S.- Naugachhia, District- Bhagalpur

2. The Chairman, Nagar Panchayat, Naugachhia, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 24-10-2016

Heard Dr. Manoj Kumar, learned counsel for the petitioner.

The defendant no. 2 in the suit is the petitioner in this application and is aggrieved by the order by which the learned court below has appointed pleader commissioner to find out the nature of the suit property.

It is not in dispute that the suit has been filed for declaration of title and for declaration that the survey entry with regard to the suit property is wrong. The plaintiff has claimed that



she has got her house and is residing over the suit property whereas the claim of the defendants is that the suit property is a public place having temple thereon where the villagers worship. In this backdrop, the court below has exercised its jurisdiction and appointed a pleader commissioner to submit his report on the real state of affairs.

Learned counsel for the petitioner has submitted that the prayer has been made on behalf of the plaintiff only for the purpose of collecting evidence. This Court is not impressed with this submission in view of the fact that according to the case of the defendants themselves there is a temple existing on the suit land and if it is so, the same shall be mentioned in the report of the pleader commissioner.

This Court, therefore, is not inclined to interdict the impugned order invoking its jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.12.16
Transmission Date	N.A.

